

ASSEMBLY BILL

No. 396

Introduced by Assembly Member Harman

February 14, 2003

An act to repeal and add Article 3 (commencing with Section 1570) of Chapter 5 of Division 2 of, the Fish and Game Code, relating to wildlife, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 396, as introduced, Harman. Shared Habitat Alliance for Recreational Enhancement Program.

(1) Existing law authorizes the Department of Fish and Game to contract with the owners or lessees of land for the establishment of cooperative hunting areas.

This bill would repeal that provision and instead would require the department to establish the Shared Habitat Alliance for Recreational Enhancement Program, to encourage private landowners to voluntarily make their land available to the public for wildlife-dependent recreational activities, as defined. The bill would authorize the department to enter into agreements with private landowners to make their land available for public use. The bill would prohibit General fund money from being used for the program, but would authorize, among other things, the department to establish user fees or hunting license or stamp sales for this purpose.

This bill would authorize the department to revoke the public access privilege of any person who violates a law or regulation while on private property that is subject to an agreement and would require the department to enforce all applicable trespass laws on that property.

(2) Existing law continuously appropriates money in the Fish and Game Preservation Fund to the department and the commission to pay all necessary expenses incurred in carrying out the Fish and Game Code, and to pay the compensation and expenses of the commissioners and employees of the commission. Unless otherwise provided, under existing law, all moneys collected under the code are deposited in the fund.

By imposing new duties on the department and increasing moneys deposited in the fund, the bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 3 (commencing with Section 1570) of
2 Chapter 5 of Division 2 of the Fish and Game Code is repealed.

3 SEC. 2. Article 3 (commencing with Section 1570) is added
4 to Chapter 5 of Division 2 of the Fish and Game Code, to read:

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6 Article 3. Shared Habitat Alliance for Recreational
7 Enhancement Program

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9 1570. In establishing the Shared Habitat Alliance for
10 Recreational Enhancement (“SHARE”) Program, it is the intent
11 of the Legislature to encourage private landowners to voluntarily
12 make their land available to the public for wildlife-dependent
13 recreational activities.

14 1571. For purposes of this article, the following definitions
15 apply:

16 (a) “Agreement” includes, but is not limited to, a contract,
17 license, easement, memorandum of understanding, or lease.

18 (b) “Private landowner” means an owner of any possessory
19 interest in real property that is suitable for use for
20 wildlife-dependent recreational activities.

21 (c) “Program” means the SHARE program established under
22 this article.

23 (d) “Wildlife-dependent recreational activities” means
24 hunting, fishing, wildlife observation, conservation education,
25 and related outdoor activities.



1 1572. (a) On or before July 1, 2005, the department shall
2 establish a program to facilitate public access to private lands for
3 wildlife-dependent recreational activities.

4 (b) No General Fund money shall be used for the program.
5 Funding for the program may be derived from any of the following
6 sources:

7 (1) User fees established by the department.

8 (2) Hunting license or stamp sales established by the
9 department.

10 (3) Eligible federal matching funds.

11 (4) Any other means the department deems appropriate.

12 (c) The department may use the assistance of nonprofit
13 conservation groups or other nongovernmental organizations to
14 administer the program.

15 1573. (a) The department may enter into an agreement with
16 a private landowner, including an agreement under which the
17 private landowner is compensated by the department for public use
18 of the land, to provide public access for wildlife-dependent
19 recreational activities.

20 (b) Notwithstanding any other provision of law, all information
21 received from a private landowner participating in the program
22 shall remain confidential and shall not be made available to the
23 public, unless the director determines that release of that
24 information is necessary for the administration of the program.

25 (c) Either the department or a private landowner may, in
26 writing, modify or cancel an agreement executed under the
27 program, at any time.

28 (d) In addition to any other protection or remedy under law, the
29 protections and remedies afforded to an owner of an estate or any
30 other interest in real property under Section 846 of the Civil Code
31 shall apply to a private landowner participating in the program.

32 (e) No person who claims to suffer any injury or damage
33 resulting from that person's use of a private landowner's property
34 that is the subject of an agreement pursuant to subdivision (a), may
35 bring or maintain a legal action against the private landowner,
36 except as provided under Section 846 of the Civil Code.

37 (f) If a person brings or maintains a legal action prohibited by
38 subdivision (e), the private landowner shall be entitled to
39 attorney's fees incurred in defending that action.

1 1574. (a) The department may revoke, for up to three years,
2 the public access privilege of any person who violates any law or
3 regulation while on any property that is subject to an agreement
4 under the program.

5 (b) The department shall enforce all applicable trespass laws on
6 property that is subject to an agreement executed under the
7 program.

